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10/065,271	09/30/2002	Akira Ohmura	106121.06	5681

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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/065,271	Applicant(s) OHMURA ET AL.	
	Examiner Nelson D. Hernandez	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/2005, 1/15/03, 10/21/02, 4/28/04, 7/14/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the preliminary amendments made to the claims filed on April 20, 2005. Claims 1-8 have been amended. Claims 9-13 have been canceled. Claims 14-23 have been newly added.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because in fig. 15, block S521, the label "DELETIG TRANSMITTED CAMERA FILES OTHER THAN PTOTECTED" should be written as "DELETING TRANSMITTED CAMERA FILES OTHER THAN PROTECTED". Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-5 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis, US Patent 6,721,001 B1 in view of Tamura, JP 9-37125.**

Regarding claim 1, Berstis discloses a digital image storage system (Fig. 1) comprising: a digital camera (Fig. 1: 102) having a memory (Fig. 2: 214) capable of storing digital images; a docking station (Fig. 1: 106) on which the digital camera can be placed for use in transmitting one or more of the digital images from the memory of the digital camera; a data storage (by teaching that the images are transmitted to a server or a computer system, Berstis inherently discloses a data storage having a storage medium for storing the digital images since a storage medium; col. 2, lines 40-46; col. 4, lines 53-63) separate from the docking station and having a storage medium that stores the digital images that have been transmitted from the memory of the digital camera through the docking station; and a controller (Fig. 2: 208) in communication with the data storage and the digital camera while the digital camera is placed on the docking station in order to transfer the digital images from the memory of the digital camera to the data storage (Col. 1, lines 45-50; col. 2, line 15 – col. 3, line 8; col. 4, lines 29-63).

Berstis does not explicitly disclose that the a controller causes the digital images stored in the memory of the digital camera to be deleted from the memory after being

successfully transmitted from the memory and the stored in the storage medium of the data storage.

However, Tamura teaches a camera (Figs. 1 and 3), wherein said camera comprises a controller (Fig. 3: 12) for determining whether the image files will be automatically erased or not after completely transferring said image files, so after transferring the images, said the image files in the memory of the camera would be deleted (See translation, page 7, ¶ 0010; page 8, ¶ 0013 – page 9, ¶ 0016; page 10, ¶ 0017; page 11, ¶ 0019 – page 13, ¶ 0024). Deleting the digital images in the memory after being completely transferred is advantageous because it would help freeing space from the memory, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized.

Therefore, taking the combined teaching of Berstis in view of Tamura as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berstis by having the controller causing the digital images stored in the memory of the digital camera to be deleted from the memory after being successfully transmitted from the memory and the stored in the storage medium of the data storage. The motivation to do so would have been to improve the functionality of the digital image storage system because it would help freeing space from the memory, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized as suggested by Tamura (See translation, page 13, ¶0025).

Regarding claim 2, the combined teaching of Berstis in view of Tamura as applied to claim 1 teaches that the controller does not delete a digital image from the

memory of the digital camera when the digital image is incompletely stored in the storage medium (by teaching that the image file is identified to be completely transferred in order to determine whether to delete or not said image file from the memory of the camera, Tamura teaches that the digital images that are transmitted incompletely in the storage medium are not deleted; pages 7-8, ¶ 0010-0012; pages 11-13, ¶ 0018-0023).

Regarding claim 3, although the digital image storage system as taught by Berstis in view of Tamura does not teach that digital image is incompletely stored in the storage medium of the data storage when the digital camera is removed from the docking station in the course of a transferring operation by which the digital camera transmits the digital image to the storage medium through the docking station, this is an inherent feature since it is expected that when the camera is removed from the docking station while said camera is transmitting image data to the storage medium of the data storage, the image data would be incompletely stored in said storage medium.

Regarding claim 4, the combined teaching of Berstis in view of Tamura as applied to claim 1 teaches that the controller does not delete a digital image protected against deletion even if the protected digital image is completely transmitted from the memory of the digital camera and stored in the storage medium (See Tamura translation, page 7, ¶ 0010; page 8, ¶ 0013 – page 9, ¶ 0016; page 10, ¶ 0017; page 11, ¶ 0019 – page 13, ¶ 0024).

Regarding claim 5, Berstis discloses a digital image storage system (Fig. 1) comprising: a digital camera (Fig. 1: 102) having a memory (Fig. 2: 214) capable of

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storing digital images; a docking station (Fig. 1: 106) on which the digital camera can be placed for use in transmitting one or more of the digital images from the memory of the digital camera; a data storage (by teaching that the images are transmitted to a server or a computer system, Berstis inherently discloses a data storage having a storage medium for storing the digital images since a storage medium; col. 2, lines 40-46; col. 4, lines 53-63) separate from the docking station and having a storage medium that stores the digital images that have been transmitted from the memory of the digital camera to the data storage while the digital camera and the data storage are in communication with each other through the docking station; and a controller (Fig. 2: 208) that communicates with the digital camera and the data storage while the digital camera and the data storage are in communication with each other through the docking station in order to transfer the digital images from the memory of the digital camera to the data storage (Col. 1, lines 45-50; col. 2, line 15 – col. 3, line 8; col. 4, lines 29-63).

Berstis does not explicitly disclose that the controller causes a digital image in the memory of the digital camera to be deleted from the memory of the digital camera if the digital image has been completely transmitted to and stored in the storage medium of the data storage, and the controller does not cause a digital image to be deleted from the memory of the digital camera if the digital image has been incompletely transmitted to and stored in the storage medium of the data storage.

However, Tamura teaches a camera (Figs. 1 and 3), wherein said camera comprises a controller (Fig. 3: 12) for determining whether the image files will be automatically erased or not after completely transferring said image files, so after

transferring the images, said the image files in the memory of the camera would be deleted and the controller does not causes a digital image to be deleted from the memory of the digital camera if the digital image has been incompletely transmitted to and stored in the storage medium of the data storage (by teaching that the image file is identified to be completely transferred in order to determine whether to delete or not said image file from the memory of the camera, Tamura teaches that the digital images that are transmitted incompletely in the storage medium are not deleted; pages 7-8, ¶ 0010-0012; pages 11-13, ¶ 0018-0023) (See translation, page 7, ¶ 0010; page 8, ¶ 0013 – page 9, ¶ 0016; page 10, ¶ 0017; page 11, ¶ 0019 – page 13, ¶ 0024). Deleting the digital images in the memory after being completely transferred is advantageous because it would help freeing space from the memory while preventing images to be deleted due to a transmission error, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized.

Therefore, taking the combined teaching of Berstis in view of Tamura as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berstis by having the controller causing the digital images stored in the memory of the digital camera to be deleted from the memory after being successfully transmitted from the memory and the stored in the storage medium of the data storage. The motivation to do so would have been to improve the functionality of the digital image storage system because it would help freeing space from the memory while preventing images to be deleted due to a transmission error, allowing the camera

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to capture and store more images in the memory so the memory means is effectively utilized as suggested by Tamura (See translation, page 13, ¶0025).

Regarding claim 14, the combined teaching of Berstis in view of Tamura fails to teach that the controller is housed by the data storage.

However, Official Notice is taken that controllers housed in external apparatuses for controlling different operations (i.e. capturing images, copying image files, deleting image files, controlling capturing conditions, etc.) in a camera are notoriously well known in the art. Having a controller for controlling different operations in a camera is advantageous because it would reduce the size and cost of the digital camera since the processes would be performed in the external apparatus. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital image storage system of Berstis in view of Tamura by having the controller housed in the data storage. The motivation to do so would have been to improve the digital image storage system by reducing the size and cost of the digital camera since the processes would be performed in the data storage.

Regarding claim 15, the combined teaching of Berstis in view of Tamura teaches that the digital images stored in the memory of the camera are not deleted unless all of the digital images are completely transferred from the memory and stored in the storage medium of the data storage (as shown in fig. 4, Tamura teaches erasing the images whose erasure is required (step S21) after transferring said images (step S19), therefore, Tamura teaches that if all the images are required to be erased after

transfer said images would be erased in step 21; see Translation pages 11-12, ¶ 0021-0022).

Regarding claim 16, the combined teaching of Berstis in view of Tamura fails to teach that the digital images stored in the memory of the camera are deleted one-by-one after each respective one of the digital images is completely transferred from the memory and stored in the storage medium of the data storage.

However, Official Notice is taken that deleting images one by one after transmission is notoriously well known in the art. Deleting images one by one is advantageous because it would help freeing the space necessary in the memory of the digital camera in order to capture more images to be stored in said memory without having to delete a large number of images. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital image storage system of Berstis in view of Tamura by deleting the images one-by-one after each respective one is completely transferred from the memory and stored in the storage medium of the data storage. The motivation to do so would have been to improve the digital image storage system by freeing the space necessary in the memory of the digital camera in order to capture more images to be stored in said memory without having to delete a large number of images.

Regarding claim 17, the combined teaching of Berstis in view of Tamura teaches that the docking station includes a docking station connector (See Berstis, fig. 1: 110) that is removably connectable to a camera connector of the digital camera to transmit the digital images from the memory of the digital camera to the data storage

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while the digital camera is placed on the docking station (See Berstis, col. 2, lines 15-39).

Regarding claim 18, the combined teaching of Berstis in view of Tamura teaches that the docking station has a shape to fit a bottom of the digital camera (See Berstis fig.1, docking station 106 has a shape to fit a bottom part of the digital camera 102; col. 2, lines 15-39).

Regarding claim 19, limitations can be found in claim 14.

Regarding claim 20, limitations can be found in claim 16.

Regarding claim 21, limitations can be found in claim 18.

Regarding claim 22, claim 22 is analyzed and discussed with respect to claim 1.

See grounds of rejection for claim 1.

Regarding claim 23, claim 23 is analyzed and discussed with respect to claim 5.

See grounds of rejection for claim 5.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis, US Patent 6,721,001 B1 in view of Tamura, JP 9-37125 and further in view of Niikawa, Us Patent 6,668,134 B1.

Regarding claim 6, the combined teaching of Berstis in view of Tamura fails to teach that the controller distinguishes the incompletely transmitted and stored digital image from the completely transmitted and stored digital image in the storage medium.

However, Niikawa teaches a method (See fig. 13) of transmitting image data from a camera (Fig. 1) to a storage device, wherein errors in transmission of the image files are identified (See steps S20 and S21) and if an image file is identified as having a

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transmission where the image file is partially transmitted said image file is deleted (See step S22) (Col. 13, line 14 – col. 14, line 22). Identifying the incompletely transmitted and stored image files from the completely transmitted and stored digital image is advantageous because it would help avoiding storing incorrect image data that would fill the data storage.

Therefore, taking the combined teaching of Berstis in view of Tamura and further in view of Niikawa as a whole, it would have been obvious of one of ordinary skill in the art at the time the invention was made to modify the digital image storage system of Berstis in view of Tamura by distinguishing the incompletely transmitted and stored digital image from the completely transmitted and stored digital image in the storage medium. The motivation to do so would have been to efficiently use the memory space of the storage medium by maintaining only correct image data since the incorrect data is identified and deleted.

Regarding claim 7, the combined teaching of Berstis in view of Tamura and further in view of Niikawa teaches the same as in claim 6. Grounds for rejecting claim 6 apply here.

Regarding claim 8, the combined teaching of Berstis in view of Tamura and further in view of Niikawa teaches the same as in claim 6. Grounds for rejecting claim 6 apply here.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
April 24, 2006


TUAN HO
PRIMARY EXAMINER